

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLOBAL BRAND HOLDINGS, LLC,	X	
	:	
Plaintiff(s),	:	
	:	17 Civ. 06571 (KBF)
-v-	:	
CHURCH & DWIGHT CO., INC.,	:	<u>SCHEDULING ORDER</u>
	:	
Defendant(s).	:	
	X	

KATHERINE B. FORREST, District Judge:

The parties propose the following schedule for this matter:

1. All parties [do ☐ / do not ☒] consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.¹

2. Amended pleadings may not be filed, and no party may be joined, without leave of Court more than 10 days after the filing of this Order or the filing of a responsive pleading, whichever occurs first.

3. Close of fact discovery: April 13, 2018. [within 6 months unless the case is particularly complex]

4. Close of expert discovery: June 15, 2018. [25 days after the close of fact discovery for all but the most complex cases; for particularly complex cases, 60 days after the close of fact discovery; the parties are to negotiate interim dates regarding expert witnesses]

Initial Report: April 27, 2018
Rebuttal: May 25, 2018

The parties contemplate experts in this matter for the following subject(s):
Likelihood of confusion and dilution; disgorgable profits and damages;
secondary meaning/fame, and third party uses of the term XOXO

5. [For F.L.S.A. actions only] Plaintiff(s) [do ☐ / do not ☐] anticipate making a motion for conditional certification of a collective action under 29 U.S.C. § 216(b). Plaintiff(s) shall include a proposed notice with the opening brief.

¹ If all parties so consent, they should execute a consent form (available at <http://www.nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>) and submit it to the Court via e-mail, along with this proposed order.

Section 216(b) proposed briefing schedule:

Opening: _____ [30 days after initial conference]
Opp'n: _____ [21 days after opening brief]
Reply: _____ [7 days after opposition brief]

6. Motions may be brought at any time. The last opportunity to file any motion (other than in limine and Daubert motions) are set forth below.

Proposed briefing schedule:

Opening: June 29, 2018 [no later than 14 days following item 3]
Opp'n: July 20, 2018 [generally 21 days after opening brief]
Reply: July 27, 2018 [generally 7 days after opposition brief]

7. Trial [will ☐ / will not ☒] be before a jury.²

DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 8-11.

8. The next status conference is set for 1/26/18 at 11:30 am (telephone)

9. Pretrial materials, including the Joint Pretrial Order ("JPTO"), are due:

10. The Final Pretrial Conference ("FPTC") is set for _____ at _____.

Motions in limine are due two weeks before FPTC; oppositions are due one week later. Daubert motions are due four weeks before FPTC; oppositions are due two weeks later. (No replies.)³

11. Trial in this matter shall commence on 9/12/18. Trial is anticipated to take / [days / ~~weeks~~].

Settlement discussions must occur in parallel to this schedule (schedule will not be adjourned, except in very unusual situations, for settlement discussions).

SO ORDERED.

Dated: New York, New York

10/18, 2017

KCB. For
KATHERINE B. FORREST
United States District Judge

² Checking this box does not constitute a formal jury demand under Fed. R. Civ. P. 38(b). It serves a purely administrative function.

³ Deadlines for motions in limine and Daubert motions are generalized and subject to change. The parties may request to modify the schedule if desired.